

SEC. 3. Opinion—forms—report. The attorney general shall, when required, give his opinion in writing, without fee, upon all questions of law submitted to him by the general assembly, or either branch thereof, or by the governor, auditor, secretary of state, treasurer, or superintendent of public instruction; and whenever requested by either of said officers, he shall prepare proper drafts for contracts, forms, and other writings, which may be wanted for the use of the state, and he shall report to the general assembly, or either branch thereof, whenever requested upon any business pertaining to the duties of his office.

SEC. 4. Pay over. All moneys received by the attorney general belonging [187] ing to the people of the state, shall immediately upon the receipt thereof, be paid by him into the state treasury.

SEC. 5. Register. The attorney general shall keep in proper books, to be provided at the expense of the state, a register of all actions and demands prosecuted or defended by him in behalf of the state, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

SEC. 6. Oath and bond—filed. Before he enters upon the duties of his office, he shall take and subscribe an oath faithfully and impartially to discharge the duties thereof, and shall execute to the state of Iowa a bond with not less than three sureties in the sum of ten thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his duties and the paying over all moneys as provided in this act which bond shall be filed with the secretary of state, and said bond shall be renewed in a larger sum and with additional sureties, whenever required by the general assembly or governor.

SEC. 7. Salary. The attorney general shall receive a salary of eight hundred dollars per annum, to be paid in equal quarterly payments, which shall be in full for his services.

SEC. 8. Reporter. The attorney general shall be the reporter of the decisions of the supreme court.

SEC. 9. Take effect. This act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 24th, 1853.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 9th, and in the Iowa Republican Feb. 2d, 1853.

GEO. W. McCLEARY,
Sec'y of State.

CHAPTER 108.

EVIDENCE.

AN ACT relating to evidence.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Notes, etc.—proof. That in all cases pending, or that may hereafter [188] be instituted, in any of the courts of Iowa, upon any note, bill, bond, or other evidence of debt, or liability, it shall not be necessary for the plaintiff to prove the execution or assignment of the same, unless such execution or assignment is specifically denied by the defendant under oath.

SEC. 2. Certificate. The certificate of the register or receiver of any land office of the United States, as to the entry of land within his district, shall be prima facie evidence of the title of the person entering, to the real estate therein named.

SEC. 3. Grace. Grace shall be allowed upon bills and notes executed or payable within this state, according to the principles of the law merchant; and notice of non-acceptance or non-payment, or both, of said instruments, shall be required according to the rules and principles of the commercial law.

And be it further enacted,

SEC. 4. Competent witness. That no member of any firm, or stockholder, or owner or any stock in any incorporated company, shall be competent to testify in any cause now or hereafter pending before any tribunal in this state, wherein such firm or corporation is a party; unless called on for that purpose by the opposite party.

SEC. 5. Books. Nothing in this act contained shall alter or change the law now in force in relation to the introduction of books of accounts as evidence, but the same shall remain as heretofore in force.

SEC. 6. Repeal. All acts and parts of acts inconsistent herewith, are repealed.

SEC. 7. Take effect. This act to be in force after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 24, 1853.

I certify, that the foregoing act was published in the Iowa Capital Reporter Feb. 9, and in the Iowa Republican Feb. 2, 1853.

GEO. W. McCLEARY,
Secretary of State.

[189] CHAPTER 109.

SUPREME COURT.

AN ACT supplemental to an act regulating the terms of the supreme court.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. 1st term—terms. That the first term of the supreme court of the state shall be held on the first Monday in June next, at Iowa City, and a term shall be held on the first Monday in December next, and that thereafter a term shall be held on the first Monday in June and December, in each year.

SEC. 2. Clerks to file. That the clerks of the supreme court at Burlington, Ottumwa, Dubuque and Fort Desmoines, shall file all papers, books and files in their office with the clerk of the supreme court, at Iowa City, on or before the first Monday in June next, in place of the time stated in the act to which this is supplemental.

SEC. 3. Cases pending—June term. That all causes now pending in the said supreme court at Burlington, Ottumwa, Dubuque, and Fort Desmoines, be set for hearing and trial at the June term, 1853, of said court.